

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DATREC, LLC,)	
Plaintiff,)	
)	Civil Action No. 6:20-cv-1057
v.)	
)	
eMDs, INC.)	JURY TRIAL DEMANDED
Defendant.)	

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

DatRec, LLC (“DatRec”) files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 8,156,158 (“the ‘158 patent”) (referred to as the “Patent-in-Suit”) by eMDs, Inc..

I. THE PARTIES

1. Plaintiff DatRec is a Texas Limited Liability Company with its principal place of business located in Harris County, Texas.

2. On information and belief, eMDs, Inc. (“eMDs”) is a corporation existing under the laws of the State of Texas, with a principal place of business located at 10901 Stonelake Blvd, Austin, TX 78759. On information and belief, eMDs sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas and this judicial district.

II. JURISDICTION AND VENUE

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff’s claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

4. This Court also has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. § 1332(a)(1) because Plaintiff is a limited liability company organized under the laws of the State of Texas with a principal, physical place of business at 10901 Stonelake Blvd, Austin, TX 78759. The matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

5. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

III. INFRINGEMENT

A. Infringement of the '158 Patent

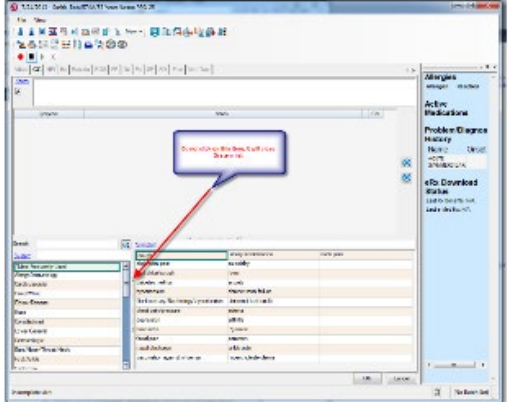
7. On April 10, 2012, U.S. Patent No. 8,156,158 ("the '158 patent", attached as Exhibit A) entitled "Method and System for Use of a Database of Personal Data Records" was duly and legally issued by the U.S. Patent and Trademark Office. DatRec, LLC owns the '158 patent by assignment.

8. The '158 patent relates to a novel and improved manner of constructing a verified database of identified individuals capable of processing with a subgroup of at least one medical application.

9. EMDs maintains, operates, and administers electronic health records that infringes one or more claims of the '158 patent, including one or more of claims 1-23, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '158 Patent into service (i.e., used them); but for Defendant's actions, the claimed-inventions embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant's procurement of monetary and commercial benefit from it.

10. Support for the allegations of infringement may be found in the following preliminary table:

Exemplary Claim	eMDs EHR (or Aprima EHR)
<p>A method for using and managing a database, the method comprising:</p>	<p>Plaintiff contends that eMDs EHR (or Aprima EHR) provides a system and/or method for using and managing a database:</p> <div data-bbox="397 1276 665 1528"> <p>The Power to Remain Independent</p> <p>eMDs' EHR solutions give physicians and their practices the power to remain independent. Our tailored EHR solutions allow practices to have a standalone EHR, or an Integrated EHR and Practice Management solution. Take advantage of powerful end-to-end reporting and management without leaving your EHR. The single database architecture of eMDs' Integrated EHR solutions provides total insight into clinical records and business functions, reduces maintenance and software management costs, and helps practices retain their autonomy by supporting successful business operations.</p> </div> <div data-bbox="678 1241 946 1533"> <p>eMDs Provides Expert EHR Solutions</p> <p>Ditch the feelings of <u>burnout</u> by switching to an EHR from eMDs. We design solutions to put time back in your day. In fact, practices tell us they are saving 3 minutes per patient versus competing EHR solutions. The speed and power of eMDs EHR gives providers the power to see a full patient load, yet still end the workday on their terms – the feedback we receive is “no more charting in my pajamas after hours and on weekends.”</p> <ul style="list-style-type: none"> ✓ Supercharge your productivity with our Mobile app and bilingual patient portal ✓ Solutions deployed in the cloud or in your office ✓ Robust Clinical and Financial reporting to simplify the management of patient outcomes and payments </div> <div data-bbox="397 1564 665 1732"> <p>eMDs Aprima Version 18 is Prevalidated by NCQA for PCMH. NCQA PCMH Prevalidation is designed to help practices select health IT solutions that reduce the administrative burdens of meeting NCQA PCMH program requirements.</p> <p>Aprima was awarded this designation following a rigorous evaluation of our solution's functionality, including a thorough review of reporting functions and screen shots, and a live demonstration. Learn about PCMH.</p> </div> <p>Attachment 3 (eMDs EHR Solutions (Webpage, 2020)) at 1.</p>

Exemplary Claim	eMDs EHR (or Aprima EHR)
	 <p>Attachment 1 (NoteSwift for Aprima (2013)) at 1.</p>
<p>providing a verified database of a plurality of identified individuals, the verified database comprising a plurality of individual-identifier data sets (IDSs) and relationship data; and</p>	<p>Plaintiff contends that a verified database of a plurality of identified individuals is provided which comprises a plurality of individual-identifier data sets (IDSs) and relationship data. The following exemplifies this limitation's existence in Accused Systems:</p> <div data-bbox="397 982 771 1386"> <p>eMDs Provides Expert EHR Solutions</p> <p>Ditch the feelings of <i>bumout</i> by switching to an EHR from eMDs. We design solutions to put time back in your day. In fact, practices tell us they are saving 3 minutes per patient versus competing EHR solutions. The speed and power of eMDs EHR gives providers the power to see a full patient load, yet still end the workday on their terms – the feedback we receive is “no more charting in my pajamas after hours and on weekends.”</p> <ul style="list-style-type: none"> ✓ Supercharge your productivity with our Mobile app and bilingual patient portal ✓ Solutions deployed in the cloud or in your office ✓ Robust Clinical and Financial reporting to simplify the management of patient outcomes and payments </div> <p>Attachment 3 (eMDs EHR Solutions (Webpage, 2020)) at 1.</p> <p>The application is designed to work on a wireless network, updating the primary database with clinical information input via your notebook or tablet PC. Depending on your practice, there may be occasions when you are offsite and offline, but still need to be able to review and enter patient data. This is enabled by the replication functionality. If your practice chooses to use the replication functionality, then your administrative superuser will have configured your PC for replication.</p> <p>Replication is the ability for the application to maintain a subset of current data as a copy (or cache) on your PC, and to synchronize that data with the primary database on the server when you reconnect your PC with the network. The data entered or changed on the primary database is replicated to your PC, and data entered or changed on your PC is replicated to the primary database on the server.</p> <p>Attachment 2 (Electronic Health Record User's Guide (2019)) at 306.</p>

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	<p>Introduction</p> <p>Aprima Patient Portal is a companion product to Aprima PRM. It enables secure web access to authorized patients so that they can perform the following activities.</p> <ul style="list-style-type: none"> • Update their demographic data • Respond to medical history questionnaires • View and request appointments • Request prescription refills • View and print their medical chart, including visit summaries, lab results, medications and medication allergies, immunizations, procedures, medical history, education forms • View their ledger and statement • Send and receive messages • Make payments by credit card, if you are using the optional Easy Pay functionality <p>Patient access to Aprima Patient Portal requires nothing more than a JavaScript-enabled web browser and access to the Internet.</p> <p>Data accessed through Aprima Patient Portal is secure, and all patient-identifying data is encrypted, and so cannot be compromised. Access is available only to patients and patients' responsible parties and other contacts whom you have authorized. You must establish user IDs and passwords for patients and their responsible parties and contacts in order for them to use your Aprima Patient Portal.</p> <p>Patients only have access to their own data on the Patient Portal. Responsible parties have access to the data for all patients for whom they are responsible. Other patient contacts have access to the data for all patients for whom they are a contact. A person entered in your Aprima PRM database may be a patient, a responsible party for another patient (such as their child), and a patient contact for still another patient (such as their spouse or parent). You may grant that person access to the patient data for any or all of those patients. Access by responsible parties and patient contacts is subject to the patient's legal age of consent, if you have configured this, and whether permission for access has been granted.</p> <p>Attachment 4 (Aprima Patient Portal Guide (2019)) at 5.</p> <table border="1"> <thead> <tr> <th>Message</th><th>Message Subtype</th></tr> </thead> <tbody> <tr> <td>Appointment request messages</td><td>Patient Appointment Request</td></tr> <tr> <td>Appointment question messages</td><td>Patient Question – Appointments</td></tr> <tr> <td>Attachment</td><td>Patient Attachment</td></tr> <tr> <td>Billing question messages</td><td>Patient Question – Billing</td></tr> <tr> <td>Clinical decision support rule reminder</td><td>Patient Clinical Decision Support Reminder</td></tr> <tr> <td>Demographics input messages</td><td>Patient Demographics</td></tr> <tr> <td>Demographics question messages</td><td>Patient Question – Demographics</td></tr> <tr> <td>Family history questionnaire</td><td>Patient Family History</td></tr> <tr> <td>General question messages</td><td>Patient Question – General</td></tr> <tr> <td>Lab orders</td><td>Patient Service Order</td></tr> <tr> <td>New patient account</td><td>Patient Internet Email - New Patient Account</td></tr> <tr> <td>New portal account</td><td>Patient Internet Email - New Portal Account</td></tr> <tr> <td>Prescription refill request messages</td><td>Patient Rx Refill Request</td></tr> <tr> <td><u>Prescription question messages</u></td><td><u>Patient Question – Prescription Rx</u></td></tr> <tr> <td>Portal errors</td><td>Patient Portal Error</td></tr> <tr> <td>Questionnaire messages</td><td>Patient Questionnaire</td></tr> <tr> <td>Recall messages</td><td>Patient Recall</td></tr> </tbody> </table> <p>Attachment 4 (Aprima Patient Portal Guide (2019)) at 33.</p>	Message	Message Subtype	Appointment request messages	Patient Appointment Request	Appointment question messages	Patient Question – Appointments	Attachment	Patient Attachment	Billing question messages	Patient Question – Billing	Clinical decision support rule reminder	Patient Clinical Decision Support Reminder	Demographics input messages	Patient Demographics	Demographics question messages	Patient Question – Demographics	Family history questionnaire	Patient Family History	General question messages	Patient Question – General	Lab orders	Patient Service Order	New patient account	Patient Internet Email - New Patient Account	New portal account	Patient Internet Email - New Portal Account	Prescription refill request messages	Patient Rx Refill Request	<u>Prescription question messages</u>	<u>Patient Question – Prescription Rx</u>	Portal errors	Patient Portal Error	Questionnaire messages	Patient Questionnaire	Recall messages	Patient Recall
Message	Message Subtype																																				
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Billing question messages	Patient Question – Billing																																				
Clinical decision support rule reminder	Patient Clinical Decision Support Reminder																																				
Demographics input messages	Patient Demographics																																				
Demographics question messages	Patient Question – Demographics																																				
Family history questionnaire	Patient Family History																																				
General question messages	Patient Question – General																																				
Lab orders	Patient Service Order																																				
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Portal errors	Patient Portal Error																																				
Questionnaire messages	Patient Questionnaire																																				
Recall messages	Patient Recall																																				

Exemplary Claim

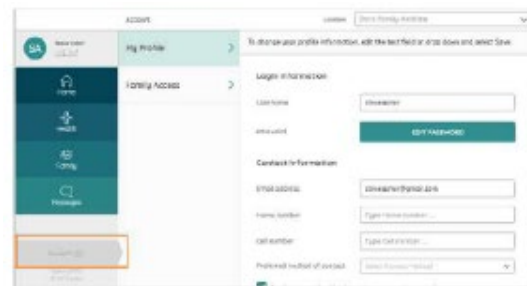
eMDs EHR (or Aprima EHR)

Display Your Health Record

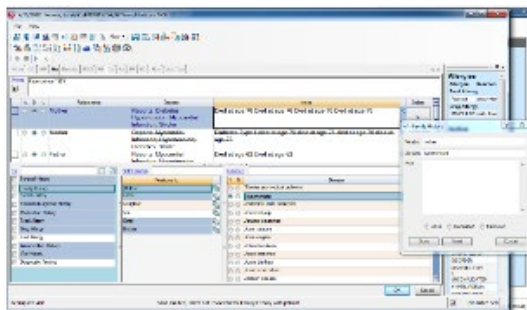
To display a health record, click the View Information button. The health record will be displayed on the Health tab, as shown in the example below.



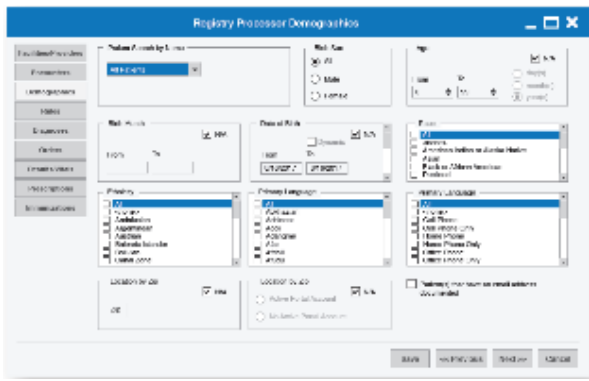
Attachment 5 (Welcome to eMDs Patient Portal Powered By Updox! (2018)) at 2.




Attachment 5 (Welcome to eMDs Patient Portal Powered By Updox! (2018)) at 9.




Attachment 1 (NoteSwift for Aprima (2013)) at 19.

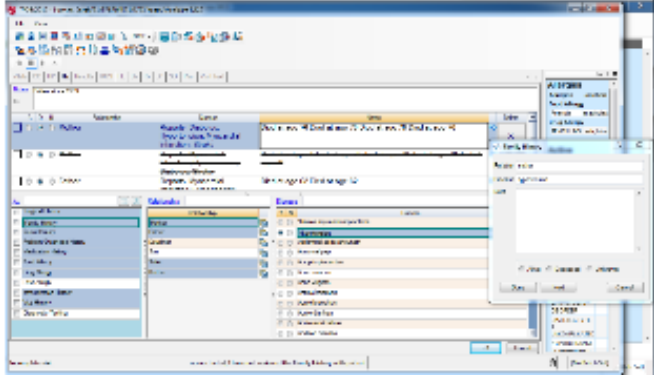
Exemplary Claim	eMDs EHR (or Aprima EHR)
	<p><i>Patient History</i></p> <p>There can be a maximum of three points for history. Points are determined as follows: selecting more than one item in the following categories does not increase the points.</p> <ul style="list-style-type: none"> • One point for Family History, either Family or Genetic Screening • One point for Social History, either Social History or Specialty Q&A • One point for Past Medical History, either Medical History, Infection History, Surgical History, Medication History, Food Allergy, Drug Allergy, Environmental Allergy, Immunization History, Menstrual History, or Pregnancy History <p>Attachment 2 (Electronic Health Record User's Guide (2019)) at 94.</p>
<p>processing said</p> <p>verified database in accordance with one or more parameters or conditions selected in accordance with at least one medical application and creating a sub-group database including data records of the individuals from the verified database having said one or more selected parameters or conditions, thereby allowing collection of data comprising one or more selected parameters or conditions and delivery of at least part of the collected data to one or more users and enable to apply data from said verified database to provide personalized</p>	<p>Plaintiff contends that the verified database is processed in accordance with one or more parameters or conditions selected in accordance with at least one medical application and a sub-group database is created (for example, filtering, sorting, etc. One such example is given below) including data records of the individuals from the verified database having said one or more selected parameters or conditions, thereby allowing collection of data comprising one or more selected parameters or conditions and delivery of at least part of the collected data to one or more users. Further, data from the verified database is applied to provide personalized medicine service to at least one of the identified individuals. The following exemplifies this limitation's existence in Accused Systems:</p> <p>In the Demographics screen, set the appropriate demographic criteria for Patient Search by Name, Birth Sex, Age and Race</p> <p>...</p>  <p>...</p>

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medicine service to at least one of said identified individuals;	<div><div><div><div>Registry Processor Rules</div><div><div><div>Practitioner/Providers</div><div>Encounters</div><div>Demographics</div><div>Rules</div><div>Diagnoses</div><div>Orders</div><div>Resources/Visits</div><div>Prescriptions</div><div>Immunizations</div></div><div><div>Search by</div><div><div><div><div><input checked="" type="radio"/> Rule Name</div><div><input type="radio"/> Rule Description</div></div></div><div>Rule Name</div><div>Product X - 1st dose due 5 months</div><div>Rule Description</div><div></div><div>Rule Status</div><div>Not Addressed (Overdue)</div><div><div><div><input checked="" type="radio"/> And</div><div><input type="radio"/> Or</div></div><div><div>Add to List</div><div>Clear</div></div></div><div><div>Rules Filter List</div><table><thead><tr><th>Rule Name</th><th>Rule Description</th><th>Status</th><th>Action</th></tr></thead><tbody><tr><td>Product X - 1st dose</td><td></td><td>Addressed</td><td>And</td></tr><tr><td>Product X - 2nd dose due 5 m</td><td></td><td>Not Addressed</td><td></td></tr></tbody></table></div></div></div></div></div><div><div>Attachment 6 (Using Patient Portals For Vaccine Series Completion In e-MDs EHR (2018)) at 6.</div><div><div><div>Running the Report</div><div><div><div><div><div><div>File</div><div>Edit</div><div>Delete</div><div>Copy</div><div>Search</div><div>Run</div><div>Help</div><div>Exit</div></div></div><div><div>Report Name</div><div>Product X</div><div>Report Description</div><div></div></div><div><table><thead><tr><th>Report Name</th><th>Report</th></tr></thead><tbody><tr><td>Product X - patients due for 2nd dose of Product X</td><td></td></tr><tr><td>Product X Patient List</td><td></td></tr></tbody></table></div></div></div><div><div><div><div>Select Run in the top toolbar</div><div><div>The Rule based report will list all patients who have not had the second dose of Product X</div></div><div><div>Select the File menu to Save As or Print the report</div></div><div><div>With the report containing the patient listing on the screen, use the Letter dropdown list at the bottom of the screen to list available letters and select the one to use for the reminder</div></div></div></div><div><div><table><thead><tr><th>M</th><th>1/1/2018</th><th>English</th><th></th><th></th><th>MMR2</th><th>1/1/2018</th><th></th><th>01/01/2017</th></tr><tr><th>F</th><th>1/1/2018</th><th>English</th><th></th><th></th><th>MMR2</th><th>1/1/2018</th><th></th><th>01/01/2017</th></tr><tr><th>F</th><th>1/1/2018</th><th>English</th><th></th><th></th><th>MMR2</th><th>1/1/2018</th><th></th><th>01/01/2017</th></tr></thead></table><div><div>Log/Print/Stop</div><div>Chart</div><div>Letter</div><div>2nd dose Product X reminder letter</div><div>Print Letters</div><div>Send all reminders</div></div></div></div><div><div><div>The selected letter is sent electronically to the patients in the listing. Only patients whose preferred reminder method is set to Portal will receive a Portal message</div></div></div></div><div><div>Attachment 6 (Using Patient Portals For Vaccine Series Completion In e-MDs EHR (2018)) at 7.</div></div></div></div></div></div></div></div>	Rule Name	Rule Description	Status	Action	Product X - 1st dose		Addressed	And	Product X - 2nd dose due 5 m		Not Addressed		Report Name	Report	Product X - patients due for 2nd dose of Product X		Product X Patient List		M	1/1/2018	English			MMR2	1/1/2018		01/01/2017	F	1/1/2018	English			MMR2	1/1/2018		01/01/2017	F	1/1/2018	English			MMR2	1/1/2018		01/01/2017
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Exemplary Claim	eMDs EHR (or Aprima EHR)
	<p>Population Health Patient Groupings</p> <p><i>Create cohorts of patients for shared diagnoses, stages of treatments, or care programs.</i></p> <p>By grouping and stratifying patients within Aprima, EHR providers are able to provide personalized care for high-risk populations or groups that require immediate attention, as well as monitoring those patients not currently at risk to help keep them healthy.</p> <p>In addition to grouping patients, Aprima EHR also enables practices to place patients in practice defined Programs. Programs offer additional ways to categorize and provides another avenue of searchability. By utilizing Aprima's robust reporting tools, practices can identify key vital readings, lab results, social or family history, diagnoses, etc. to place patients into programs like weight control, A/C management, blood pressure, or smoking cessation.</p> <p>Clinical Quality Measure (CQMs)</p> <p><i>Contributing to your Quality Measure under MIPS, CQM measure tracking is included with the core Aprima product.</i></p> <p>Aprima EHR enables practices to collect, track, manage, and report on Clinical Quality Measures across your entire patient population. Aprima tools allow practices to be proactive with their CQM reporting by offering real-time, drill-down reporting in addition to automated reports scheduled to be delivered to you on the cycle that best meets your needs.</p> <p>Population Health Clinical Decision Support</p> <p><i>Aprima's Clinical Decision Support (CDS) offers real-time, patient-specific alerts at the point of care to help providers deliver the highest quality of care while providing patient education aimed at keeping patients healthy and out of the hospital.</i></p> <p>or those patients who have not been into the office recently, Aprima's CDS will help you be more proactive and not only find, but help you act on those who are overdue for wellness visits and procedures.</p>  <p>Goals and Health Concerns</p> <p><i>With Goals providers are able to track metrics valuable to their individual patients. With flexibility to track basic vitals, lab results, or the resolution of a diagnosis; providers are enabled to provide the highest levels of patient care.</i></p> <p>Simply put; what are you AND the patient doing to get the patient healthier? With the Goals and Health Concerns feature providers are empowered to monitor progress, even incremental progress for their patients. By achieving health goals with your patients and monitoring their progress providers are enabled to keep patients healthy rather than strictly treat ill patients.</p> <p>Attachment 7 (Population Health (Webpage, 2020)) at 1.</p>
wherein said providing of the verified database comprises: permitting a plurality of individuals to enter	Plaintiff contends that a verified database of a plurality of identified individuals is provided which comprises a plurality of individual-identifier data sets (IDSs) and relationship data. A plurality of individuals is permitted to enter individual-associated data bits (IDBS) into a computerized system, each of the IDBs comprising at least one personal identifier relating to the individual and relationship data comprising data on one or more related individuals and the nature of relationship. The entered IDBs are processed to generate the IDS, one for each identified individual, being either said individual who has entered the individual-associated data bits or one of the related individuals

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<p>individual-associated data bits (IDBS) into a computerized system, each of the IDBs comprising at least one personal identifier relating to the individual and relationship data comprising data on one or more related individuals and the nature of relationship;</p> <p>processing the entered IDBs to generate the IDS, one for each identified individual, being either said individual who has entered the individual-associated data bits or one of the related individuals and construct the verified database comprising IDSs of identified individuals.</p>	<p>and construct the verified database comprising IDSs of identified individuals. The following exemplifies this limitation's existence in Accused Systems:</p> <p>Display Your Health Record</p> <p>To display a health record, click the View Information button. The health record will be displayed on the Health tab, as shown in the example below:</p>  <p>Attachment 5 (Welcome to eMDs Patient Portal Powered By Updax! (2018)) at 2.</p> <p><i>Patient History</i></p> <p>There can be a maximum of three points for history. Points are determined as follows: selecting more than one item in the following categories does not increase the points.</p> <ul style="list-style-type: none"> • One point for Family History, either Family or Genetic Screening • One point for Social History, either Social History or Specialty Q&A • One point for Past Medical History, either Medical History, Infection History, Surgical History, Medication History, Food Allergy, Drug Allergy, Environmental Allergy, Immunization History, Menstrual History, or Pregnancy History <p>Attachment 2 (Electronic Health Record User's Guide (2019)) at 94.</p> <p>Enter Family History</p> <p>You may enter family history information by relationship or disease.</p> <p>The application contains a number of first (parents, children, and siblings), second (grandparents, half siblings, aunts and uncles, etc.), and third degree relationships (great grandparents, first cousins). It also contains "Adopted", "Runs in Family", and "Side" relationships. Your administrative super user or you, if you have the needed security permissions, may create additional relationships if needed.</p> <p>If you have identified a disease as the cause of death for a family member, that disease will be displayed in red text in the Hx tab or Patient History window.</p> <p>Attachment 2 (Electronic Health Record User's Guide (2019)) at 158.</p>

Exemplary Claim	eMDs EHR (or Aprima EHR)																																				
	<p>Introduction</p> <p>Aprima Patient Portal is a companion product to Aprima PRM. It enables secure web access to authorized patients so that they can perform the following activities:</p> <ul style="list-style-type: none"> • Update their demographic data • Respond to medical history questionnaires • View and request appointments • Request prescription refills • View and print their medical chart, including visit summaries, lab results, medications and medication allergies, immunizations, procedures, medical history, education forms • View their ledger and statement • Send and receive messages • Make payments by credit card, if you are using the optional Easy Pay functionality <p>Patient access to Aprima Patient Portal requires nothing more than a JavaScript-enabled web browser and access to the Internet.</p> <p>Data accessed through Aprima Patient Portal is secure, and all patient-identifying data is encrypted, and so cannot be compromised. Access is available only to patients and patients' responsible parties and other contacts whom you have authorized. You must establish user IDs and passwords for patients and their responsible parties and contacts in order for them to use your Aprima Patient Portal.</p> <p>Patients only have access to their own data on the Patient Portal. Responsible parties have access to the data for all patients for whom they are responsible. Other patient contacts have access to the data for all patients for whom they are a contact. A person entered in your Aprima PRM database may be a patient, a responsible party for another patient (such as their <u>child</u>) and a patient contact for still another patient (such as their spouse or parent). You may grant that person access to the patient data for any or all of those patients. Access by responsible parties and patient contacts is subject to the patient's legal age of consent, if you have configured this, and whether permission for access has been granted.</p> <p>Attachment 4 (Aprima Patient Portal Guide (2019)) at 5.</p> <table border="1" data-bbox="402 1066 828 1459"> <thead> <tr> <th>Message</th><th>Message Subtype</th></tr> </thead> <tbody> <tr> <td>Appointment request messages</td><td>Patient Appointment Request</td></tr> <tr> <td>Appointment question messages</td><td>Patient Question - Appointments</td></tr> <tr> <td>Attachment</td><td>Patient Attachment</td></tr> <tr> <td>Billing question messages</td><td>Patient Question - Billing</td></tr> <tr> <td>Clinical decision support rule reminder</td><td>Patient Clinical Decision Support Reminder</td></tr> <tr> <td>Demographics input messages</td><td>Patient Demographics</td></tr> <tr> <td>Demographics question messages</td><td>Patient Question - Demographics</td></tr> <tr> <td>Family history questionnaire</td><td>Patient Family History</td></tr> <tr> <td>General question messages</td><td>Patient Question - General</td></tr> <tr> <td>Lab orders</td><td>Patient Service Order</td></tr> <tr> <td>New patient account</td><td>Patient Internet Email - New Patient Account</td></tr> <tr> <td>New portal account</td><td>Patient Internet Email - New Portal Account</td></tr> <tr> <td>Prescription refill request messages</td><td>Patient Rx Refill Request</td></tr> <tr> <td>Prescription question messages</td><td>Patient Question - Prescription Rx</td></tr> <tr> <td>Portal errors</td><td>Patient Portal Error</td></tr> <tr> <td>Questionnaire messages</td><td>Patient Questionnaire</td></tr> <tr> <td>Recall messages</td><td>Patient Recall</td></tr> </tbody> </table> <p>Attachment 4 (Aprima Patient Portal Guide (2019)) at 33.</p>	Message	Message Subtype	Appointment request messages	Patient Appointment Request	Appointment question messages	Patient Question - Appointments	Attachment	Patient Attachment	Billing question messages	Patient Question - Billing	Clinical decision support rule reminder	Patient Clinical Decision Support Reminder	Demographics input messages	Patient Demographics	Demographics question messages	Patient Question - Demographics	Family history questionnaire	Patient Family History	General question messages	Patient Question - General	Lab orders	Patient Service Order	New patient account	Patient Internet Email - New Patient Account	New portal account	Patient Internet Email - New Portal Account	Prescription refill request messages	Patient Rx Refill Request	Prescription question messages	Patient Question - Prescription Rx	Portal errors	Patient Portal Error	Questionnaire messages	Patient Questionnaire	Recall messages	Patient Recall
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Exemplary Claim	eMDs EHR (or Aprima EHR)
	 <p>Attachment 1 (NoteSwift for Aprima (2013)) at 19.</p> <div data-bbox="397 829 657 1081"> <p>The Power to Remain Independent</p> <p>eMDs' EHR solutions give physicians and their practices the power to remain independent. Our tailored EHR solutions allow practices to have a standalone EHR, or an integrated EHR and Practice Management solution. Take advantage of powerful end-to-end reporting and management without leaving your EHR. The single database architecture of eMDs' Integrated EHR solutions provides total insight into clinical records and business functions, reduces maintenance and software management costs, and helps practices retain their autonomy by supporting successful business operations.</p> </div> <div data-bbox="673 798 933 1081"> <p>eMDs Provides Expert EHR Solutions</p> <p>Ditch the feelings of <i>burnout</i> by switching to an EHR from eMDs. We design solutions to put time back in your day. In fact, practices tell us they are saving 3 minutes per patient versus competing EHR solutions. The speed and power of eMDs EHR gives providers the power to see a full patient load, yet still end the workday on their terms – the feedback we receive is "no more charting in my pajamas after hours and on weekends."</p> <ul style="list-style-type: none"> ✓ Supercharge your productivity with our Mobile app and bilingual patient portal ✓ Solutions deployed in the cloud or in your office ✓ Robust Clinical and Financial reporting to simplify the management of patient outcomes and payments </div> <p>Attachment 3 (eMDs EHR Solutions (Webpage, 2020)) at 1.</p>

These allegations of infringement are preliminary and are therefore subject to change.

11. eMDs has and continues to induce infringement. eMDs has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., question and answer services on the Internet] and related services that provide question and answer services across the Internet such as to cause infringement of one or more of claims 1–23 of the '158 patent, literally or under the doctrine of equivalents. Moreover, eMDs has known of the '158 patent and the technology underlying it from at least the date of issuance of the patent.

12. eMDs has and continues to contributorily infringe. eMDs has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., question and answer services on the Internet] and related services that provide question and answer services across the Internet such as to cause infringement of one or more of claims 1–23 of the '158 patent, literally or under the doctrine of equivalents. Moreover, eMDs has known of the '158 patent and the technology underlying it from at least the date of issuance of the patent.

13. EMDs has caused and will continue to cause DatRec damage by direct and indirect infringement of (including inducing infringement of) the claims of the '158 patent.

IV. JURY DEMAND

DatRec hereby requests a trial by jury on issues so triable by right.

V. PRAYER FOR RELIEF

WHEREFORE, DatRec prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the '158 patent through eMDs.com, or a website linked thereto;
- b. award DatRec damages in an amount sufficient to compensate it for Defendant's infringement of the '158 patent in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award DatRec an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;

- d. declare this case to be “exceptional” under 35 U.S.C. § 285 and award DatRec its attorneys’ fees, expenses, and costs incurred in this action;
- e. declare Defendant’s infringement to be willful and treble the damages, including attorneys’ fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;
- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and
- g. award DatRec such other and further relief as this Court deems just and proper.

Respectfully submitted,

Ramey & Schwaller, LLP

A handwritten signature in blue ink, appearing to read 'WPR', with a large, loopy flourish underneath.

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